IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2732 OF 2007

Bhupendra Chandan ....Petitioner.
V/s
R.B.Yadav. ....Respondent.

Ms.P.P. Tendulkar, Adv. For the petitioner.

Mr.Sunil R. More, Adv. For the respondent.

CORAM: A.P.DESHPANDE, J.
19/7/07

PC:

Rule. Rule made returnable forthwith.

Taken up for final hearing by consent of both the parties.

The petitioner has been granted leave to defend the suit subject to condition that the petitioner deposits sum of Rs.40,000/- in the trial Court within a period of 10 days from date of impugned order. The impugned order is dated 8.3.07. This Court by an order dated 19.6.07 issued notice to the other side after observing that the order impugned does not suffer from any error, however trial Court should have granted reasonable time for deposit of the amount. Learned counsel for the petitioner submits that grant of 10 days time to deposit amount was not reasonable and sufficient. Besides pointing out the financial difficulty learned counsel seeks extension of time. By now about four months time has already elapsed from the date of passing of the order by the trial

Court. The petitioner was made aware that the Court is inclined to extend the time by passing an order dated 19.6.07. Learned counsel for the petitioner again seeks time of two months to deposit the amount. I am not inclined to grant further time of two months. However in the interest of justice and to enable the petitioner to deposit the amount so that the petitioner can contest the suit on merits, I grant 15 days' time from today to the petitioner to deposit the amount of Rs.40,000/- in the trial Court, failing which the trial Court shall proceed with the suit. The impugned order to the extent it granted only 10 days time to deposit the amount is quashed and set aside. In the result 15 days time is granted to the petitioner to deposit the amount of Rs.40,000/- from today. Failure to so deposit the amount would result in revocation of this order. Rule made absolute in above terms.

19.7.07